

Solid Waste Reg Rewrite

Phase II

Committee Meeting

April 9, 2015 – 1:30 pm

Galvez Building – Pensacola Room

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Solid Waste Reg Rewrite

Phase II

Proposed Draft SW060 is reality!

THANK YOU
PATRICK DEVILLIER
AND
JODIE DIAMOND!

Solid Waste

Revisions to the Regulations

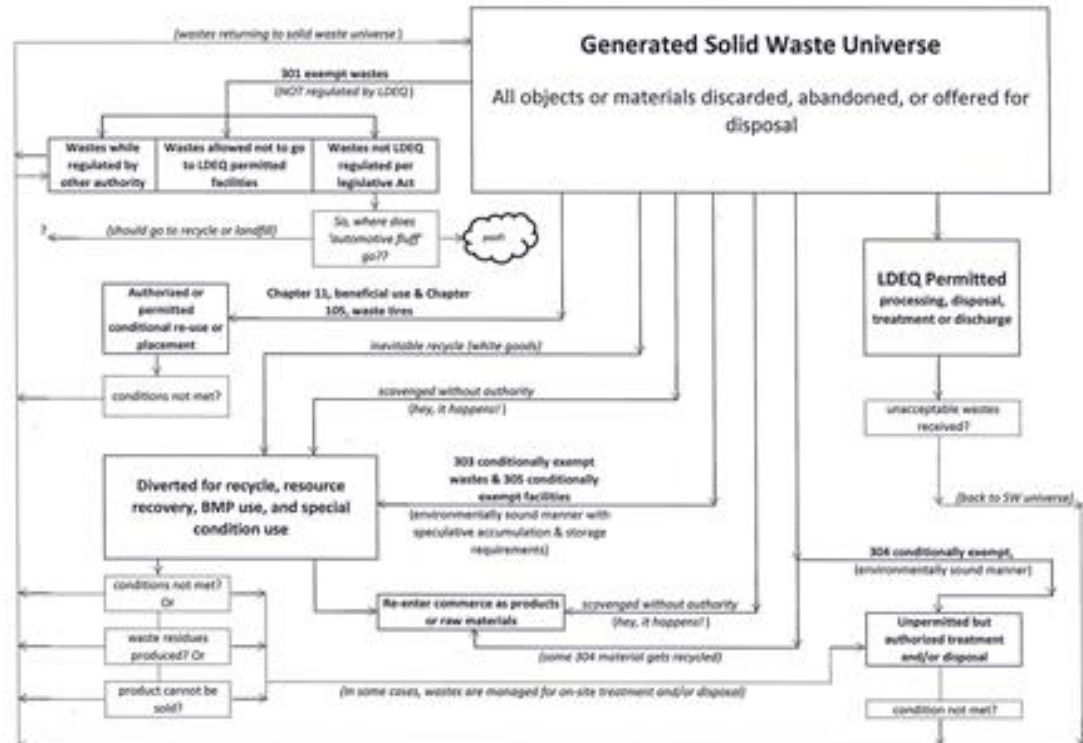
Louisiana Solid Waste Association
2015 LSWA Environmental Conference
Lafayette, Louisiana

March 20, 2015

**PREPARED &
PRESENTED BY:**

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Solid Waste Regulation Revisions

- **PURPOSE:** Investigate opportunities to improve the permit process and promote resource recovery & recycling
- **STRATEGY:** Propose regulation amendments & additions based on workgroup recommendations
- **STAKEHOLDERS:** Environmental advocacy groups; regulated industry; LA Chemical Association (LCA); LA Mid-Continent Oil & Gas Association (LMOGA); LDEQ (permitting, inspections, & enforcement) geologists; consultants; engineers; attorneys
- **RESULTS THUS FAR:** three major revision phases
- **CAUTION:** *All proposals are tentative and subject to change!*



Phase I

Summary of SW053

(Finalized November 20, 2011)

- **Permit System Changes: standardized permit applications; pre-application requirements; written draft permits; construction schedules, etc.**
- **Provide for TEMPO-generated permits**
- **Exempt compaction 'process' in vehicles & collection containers**
- **Provide for closure, general, and regulatory permits**
- **Prohibit speculative accumulation**
- **Require annual certification-of-compliance**
- **Financial assurance changes: liability coverage (delete); compliance timeframes; trust fund pay-in period; allowance for minor deviations; allow local government financial test/corporate guarantee to be used with other mechanisms; requirement for temporary permits, etc.**
- **300-foot buffer zone next to churches**



Phase II Summary of Progress

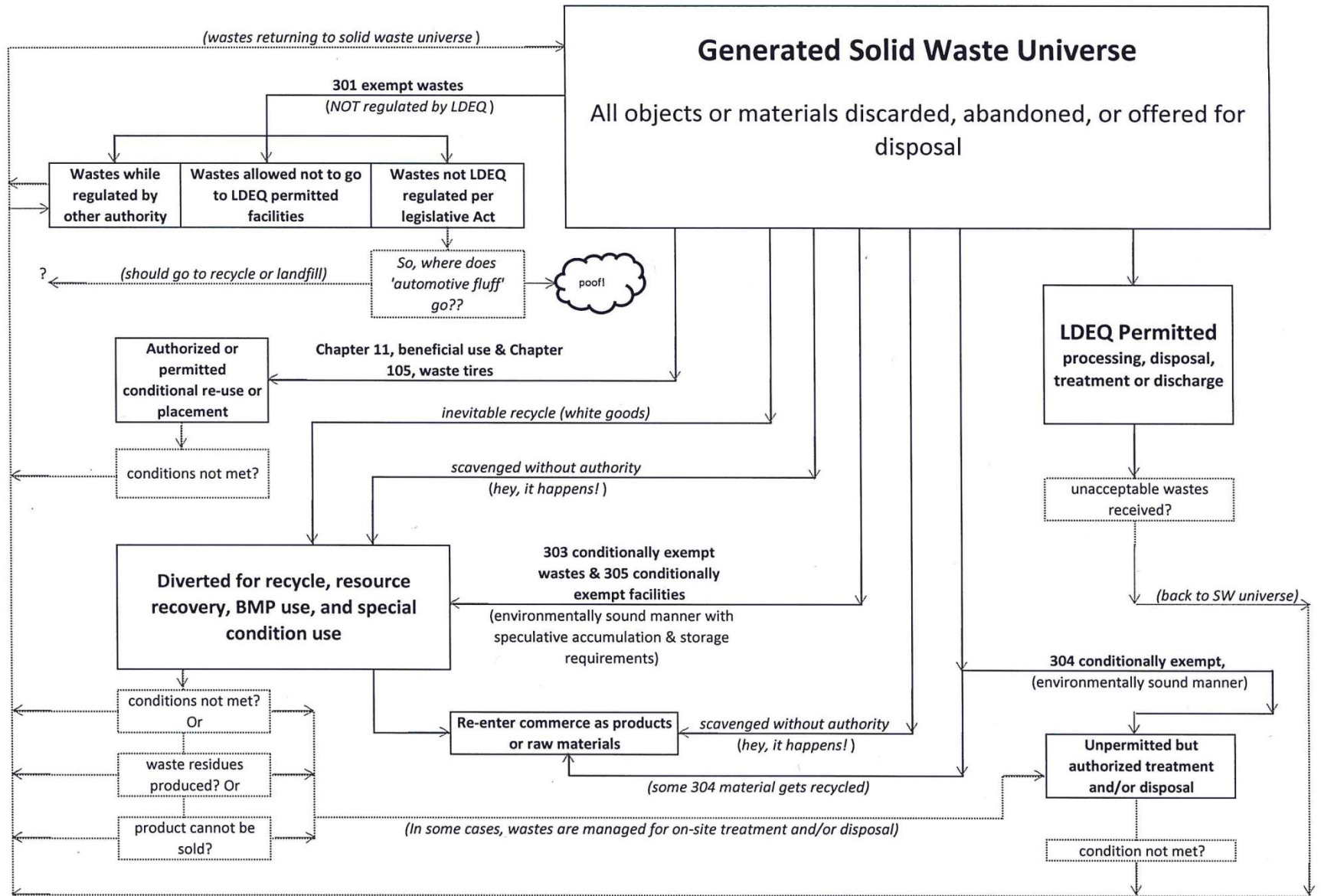
- **Three Working Subgroups Formed:**
 - General
 - Recycling
 - Geology & Groundwater (these proposals deferred to Phase III)
- **LDEQ Waste Permits Division has drafted proposed revisions**
- **Proposed Rule SW060 is now posted on LDEQ website for review**
- **Consolidated workgroup will resume meetings to review draft SW060 sometime after the solid waste conference**
- **Focus of SW060**
 - Encourage resource recovery (aka, recycling, reuse)
 - De-regulate vegetative debris (as much as possible)
 - Address various other issues



Solid Waste Management

Existing Regulatory Framework Overview

- **Define SW:** ‘anything discarded or abandoned’; even SW segregated for recycling or resource recovery remains SW until returned to commerce or authorized beneficial use.
- **Regulate SW:** collection, storage, transport, processing, disposal, & beneficial use.
- **Exempt Specific SWs & SW Facilities:** from all or part of SW regulation:
 - **Section 301** conditionally exempts specific SWs from all LDEQ SW regulation (some while regulated by other authorities, & others allowed not to be processed or disposed in permitted SW facilities), and unconditionally exempts other specific SWs from definition of SW altogether per the Environmental Quality Act (like ‘automotive fluff’ – where does it go?).
 - **Section 303** conditionally exempts specific SWs from permitting requirements & processing/disposal standards **ONLY** (if done ‘in an environmentally sound manner’).
 - **Section 305** conditionally exempts specific SW facilities from permitting requirements & processing/disposal standards **ONLY** (if operated ‘in an environmentally sound manner’)





Existing SW Regulation

Perceived Shortcomings

By letter of the law, current SW management pipeline is strict:

- **Section 303** does not exempt any SWs from storage or speculative accumulation standards/requirements
- **Generators** must offer SW only to transporters & processing/disposal facilities authorized or permitted to receive and/or manage the generators' SW (Mandatory Provisions, 315.O)
- **All SW transporters** must notify LDEQ (Notification, 401.A)
- **ALL SW shall only be transported**, for processing or disposal, to facilities permitted to receive such waste (Standards Governing Collectors & Off-site Transporters of SW, 505.D)



Existing SW Regulation

Perceived Shortcomings

- **‘Process’ is too broadly defined, and all SW ‘processing’ activities require a permit**
 - ex. producing lumber, firewood, or mulch from discarded trees currently requires a SW processing permit
- **Some SWs need revised definition and explicit exemption to protect & encourage legitimate resource recovery or beneficial use**
 - ex. vegetative debris, spent asphaltic material, spent abrasives



Major Proposed Changes in SW060

Summary Only - 'devil is in the details'

Definitions

- **Newly Define** 'discard', 'best management practices', 'impacted', 'environmentally sound manner', 'resource recovery activities', 'substantial business relationship', 'Type III-A facility', 'vegetative debris', etc.
- **Modify** 'abandonment', 'construction/demolition debris', 'industrial solid waste', 'non-processing transfer station', 'separation facility', 'transfer station (processing)', 'Type I-A, II-A, & III-A facilities', etc.
- **Remove** 'yard trash' (incorporate into 'vegetative debris')
- **Modify** 'process' as applicable only to SW destined for disposal, but not to SW managed for resource recovery performed in an environmentally sound manner
- **Modify** 'woodwaste' to exclude yard trash and other vegetative debris
- **Modify** 'putrescible' to specifically exclude dry wall or gypsum board
(Note: in a C/D landfill, wet wallboard biodegrades to produce stinky H₂S odor)



Major Proposed Changes in SW060

Continued

- **Modify 301.A.1.h** to ensure medical waste is exempt from LDEQ SW regulation only while subject to other regulatory authorities (LDHH)
- **Modify Section 303** to explicitly state that storage & speculative accumulation regulations do apply to these conditionally exempt materials, and
 - Expand scope & conditions of exempt recycling materials
 - Establish that petroleum refining catalysts & other materials entering stormwater surface impoundments are not exempt SWs
 - Add conditional exemption for recycling asphaltic roofing materials
 - Add conditional exemption for vegetative debris destined for recycle



Major Proposed Changes in SW060

Continued

- **Create new Section 304** to exempt some SWs from all regulation (except transportation standards), provided they are managed 'in an environmentally sound manner'.
 - **Include some materials currently exempt under Section 303** (ex. certain vegetative debris, uncontaminated earthen materials, brick, stone, agricultural wastes, water-supply treatment sludges, etc.)
 - **Add conditional exemption for spent abrasive media generated from surface coating (paint) removal**, provided it meets RECAP non-industrial (residential) standards – *this will be deferred with Chapter 11 changes*
 - **Add conditional exemption for potentially impacted soil**, provided it meets RECAP non-industrial (residential) standards– *this will be deferred with Chapter 11 changes*



Major Proposed Changes in SW060

Continued

- **Modify Section 305** to emphasize that storage & speculative accumulation regulations apply to exempt facilities, and explicitly require facilities operating under an LDAF-approved BMP plan to follow their BMP as a condition of 305 exemption
 - Remove A.4.b requirement to submit disposal report to LDEQ for on-site disposal of on-site generated C/D debris
 - Add conditional exemption for resource recovery facilities that receive only vegetative debris
 - Add conditional exemption for facilities that open burn (vegetative debris)
 - Add conditional exemption for ACD facilities that burn vegetative debris
 - Add conditional exemption for vegetative debris landfills operating under an LDAF-approved BMP plan



Major Proposed Changes in SW060

Continued, Special Notes

- **All Section 303, 304, and 305 exemptions are conditioned upon materials & facilities being managed 'in an environmentally sound manner' (according to the new proposed definition).** LDEQ may resume regulation of materials and/or facilities that present unacceptable adverse impact upon human health & environment, on a case-by-case basis, as determined by the administrative authority.
- **LDEQ and LDAF are negotiating a memorandum of understanding (MOU)** whereby LDAF-approved best management practice (BMP) plans will include conditions to minimize adverse impact upon human health & environment.



Major Proposed Changes in SW060

Continued

- **Modify Section 315.B** to disallow storage of SW that presents environmental nuisance, and conditionally limit speculative accumulation applicability to non-304-exempt SW
- **Modify Section 315.O** to allow generators to offer Sections 303 & 304-exempt SW to non-registered transporters, resource recovery facilities, or non-permitted disposal facilities
- **Modify Section 401.A** to **exclude from LDEQ notification requirements**
 - 1) SW transporters/processors/disposers of Sections 303 & 304-exempt SW,
 - 2) Contractors who transport non-industrial SW generated while performing residential or commercial services
- **Create new Section 405 facility category:** Type III-A for C/D and/or woodwaste processing facilities



Major Proposed Changes in SW060

Continued

- **Create new Section 407.F** for post-closure inspections
- **Modify Section 503.A.1** to exclude 304-exempt SWs from speculative accumulation & storage standards (very similar to 315.B)
- **Modify Section 505.D** to exclude 303 & 304-exempt SWs from requirement to be transported only to permitted facilities
- **Modify Section 508.C** to allow separating recyclable material from commercial SW at a non-processing transfer station, provided the waste stream contains no more than a de-minimus amount of putrescible material
- **Modify Section 525** on Certificate Of Compliance



Major Proposed Changes in SW060

Continued

- **Modify Section 709.A.7 (and other places)** to reference wetlands instead of *swamps, marshes*
- **Modify (simplify) Section 709.8** to require proof that SW permit applicant has submitted 404 permit application to USACE if waste is proposed to be placed in wetlands
- **Modify Section 711.D.5.a and 721.C.4** to explicitly prohibit white goods disposal to landfills
- **Add Sections 711.F.4, 713.F.3, 715.F.4 and 721.E.4** regarding release of financial assurance mechanism to permit holder after post-closure
- **Modify Section 721.C.4** regarding time frames for removing unacceptable (segregated & stored) SW from a Type II landfill
- **Modify Section 721.D.2.a** regarding deadlines for installing final cover



Major Proposed Changes in SW060

Miscellaneous

- **Chapter 13: Various changes regarding financial assurance**
- **Chapter 15: Small language changes regarding SW fees**
- **Chapter 30: Small changes in appendices**
- **Chapter 103: remove definition of tire permit from Section 10303 (should be under 10505)**
- **Section 10313: clarify standards governing accumulation of recyclable material**



Major Proposed Change

(This will not be in SW060 – to be reconciled with RECAP changes)

Significantly Modify Chapter 11 on SW Beneficial Use

- Combine 'beneficial use' and 'soil reuse' as 'beneficial use' and expand applicability beyond just SW generators
- Add conveyance notice requirement for impacted material placement on-site or off-site of generation
- 1103 applicable to 'potentially impacted soil' and 'spent abrasive media'
 - 1103.A - properly characterized material can be beneficially used anywhere, provided it meets RECAP non-industrial (residential) standard
 - 1103.B – properly characterized material can be beneficially used on-site of generation only, provided it meets RECAP industrial standard
- 1105 beneficial use plan format (revised)



Major Proposed Changes in SW060

Final Thoughts

- **All proposals are still under consideration – nothing fixed in stone**
- **Draft SW060 was posted on the LDEQ website (March 6, 2015)**
Go to: LDEQ Public Website; Division - Waste Permits; Solid Waste Permits: New!!
<http://www.deq.louisiana.gov/portal/DIVISIONS/WastePermits/SolidWastePermits/SolidWasteRegulationsReviewPhaseII2011.aspx>
- **LDEQ reps will be available at the conference satellite office to discuss SW060 in more detail**

? QUESTIONS ?

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Mike Hahn

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